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UNITED STATE DISTRICT COURT
IN AND FOR THE DISTRICT OF NEVADA

JULIE KEY,

Plaintiff,

v.

3:21-cv-00188-LRH-CSD

JOHN F. WITZEL, JR.; STEENS
MOUNTAIN PACKERS, an
Oregon domestic corporation;
HELI-STEENS and FRENCHGLEN
BLACKSMITHS,

**STIPULATED MODIFIED DISCOVERY
PLAN AND SCHEDULING ORDER
(SECOND MODIFICATION)**

Defendants.

JOHN F. WITZEL, JR., an individual;
STEENS MOUNTAIN PACKERS, INC.,
an Oregon corporation; and COLTON
WITZEL, an individual,

Counterclaimants,

v.

JULIE KEY, an individual; PINE GROVE
FARMS, INC., a Nevada corporation; and
ROYAL PEACOCK OPAL MINES, INC.,
a Nevada corporation,

Counterdefendants. /

Plaintiff JULIE KEY (hereinafter "KEY") and Defendants JOHN F. WITZEL, JR., STEENS
MOUNTAIN PACKERS, INC.; HELI-STEENS; and FRENCHGLEN BLACKSMITHS (hereinafter
collectively "DEFENDANTS") hereby stipulate:

1. KEY has retained an expert witness and timely provided to DEFENDANTS all required
information regarding her expert, with the exception of his report. KEY has still been unable to

1 obtain the expert's report because she did not have all of the discovery that she requested and that
 2 the expert needed. His report, pursuant to the current order, is due June 23, 2022.

3 2. On June 22, 2022 DEFENDANTS provided to KEY the remaining financial records that
 4 KEY's expert needs to complete his report. He can have his report completed by July 22, 2022.

5 **3. LR 26-3(a). Discovery completed to-date.**

6	June 4, 2021	PLAINTIFF'S INITIAL DISCLOSURES PURSUANT TO
7		NRCP (sic) 16.1
8	June 4, 2021	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26
9		INITIAL DISCLOSURE STATEMENT
10	August 4, 2021	PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF
11		DOCUMENTS TO DEFENDANTS
12	September 14, 2021	COUNTERCLAIMANTS' FIRST SET OF REQUESTS FOR
13		PRODUCTION TO COUNTERDEFENDANTS
14	September 14, 2021	DEFENDANTS' RESPONSES TO PLAINTIFF'S FIRST
15		REQUEST FOR PRODUCTION OF DOCUMENTS
16	October 25, 2021	STIPULATION AND ORDER FOR PROTECTIVE ORDER
17		GOVERNING DISCLOSURE OF CONFIDENTIAL
18		INFORMATION
19	November 3, 2021	DEFENDANTS' FIRST SUPPLEMENTAL RESPONSES
20		TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION
21		OF DOCUMENTS
22	December 21, 2021	PLAINTIFF'S/COUNTERDEFENDANTS' SECOND
23		REQUEST FOR PRODUCTION OF DOCUMENTS
24	January 3, 2022	DEFENDANTS' EXPERT WITNESS DISCLOSURE
25		PURSUANT TO F.R.C.P. 26 (a)(2)
26	January 6, 2022	PLAINTIFF'S/COUNTERDEFENDANTS' DISCLOSURE
27		OF EXPERT WITNESS (All required information, with the
28		exception of the expert's report, was disclosed.)
	January 14, 2022	STIPULATED MODIFIED DISCOVERY PLAN AND
		SCHEDULING ORDER (FIRST MODIFICATION)
	January 18, 2022	[PLAINTIFF'S] SECOND SUPPLEMENTAL
		DISCLOSURES PURSUANT TO FRCP 26
	February 4, 2022	DEFENDANTS' RESPONSES TO PLAINTIFF'S SECOND
		REQUEST FOR PRODUCTION OF DOCUMENTS

February 4, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26 THIRD SUPPLEMENTAL DISCLOSURE STATEMENT
February 4, 2022	DEFENDANTS' SECOND SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
March 4, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26 FOURTH SUPPLEMENTAL DISCLOSURE STATEMENT
March 4, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FIFTH FRCP 26 SUPPLEMENTAL DISCLOSURE STATEMENT
May 11, 2022	Deposition of John F. Witzel, Jr.
May 12, 2022	Deposition of Julie Key
May 18, 2022	[PLAINTIFF'S] THIRD SUPPLEMENTAL DISCLOSURE PURSUANT TO FRCP 26
May 20, 2022	COUNTERCLAIMANTS' SECOND SET OF REQUESTS FOR PRODUCTION TO COUNTERDEFENDANTS
June 17, 2022	COUNTERCLAIMANTS' THIRD SET OF REQUESTS FOR PRODUCTION TO COUNTERDEFENDANTS
June 17, 2022	DEFENDANTS' AND COUNTERCLAIMANTS' FRCP 26 SIXTH SUPPLEMENTAL DISCLOSURE STATEMENT

LR 26-3(b). Discovery that remains to be completed.

1. KEY needs to submit her expert report to DEFENDANTS. DEFENDANTS may have rebuttal experts. DEFENDANTS will also be submitting an additional expert report.
2. Both parties may need to have rebuttal experts.
3. Because many documents have been produced and requested since the parties' deposition, the parties may need to re-depose one another. DEFENDANTS may want to depose KEY's expert witness.
4. DEFENDANTS have two (2) lengthy outstanding document requests that they have submitted to KEY.
5. KEY may have additional document requests.
6. Depositions of other witnesses may be taken.

LR 26-3(c). Reasons why the deadline was not satisfied.

1 KEY's expert needed DEFENDANTS' profit and loss statement for 2019.
2 DEFENDANTS assert that they believed the profit and loss statements for the years 2014-2020 were
3 included in their Second Supplemental Disclosure submitted on November 3, 2021. On June 20,
4 2022, KEY explained that the CPA needed DEFENDANTS' profit and loss statement for 2019. On
5 June 22, 2022, DEFENDANTS produced that statement to KEY, electronically, in Quickbooks form.

6 **LR 26-3(d). Proposed schedule for completing all discovery.**

7 1. EXPERT DISCLOSURES. The parties shall have until July 22, 2022 to submit
8 any additional expert witness disclosures. The parties shall disclose any rebuttal experts no later than
9 30 days after the disclosure of these contemplated experts, or August 21, 2022, whichever comes
10 first.

11 2. DISCOVERY DEADLINE. The new discovery deadline is September 22, 2022.
12 Trial has not been set.

13 DISPOSITIVE MOTION DEADLINE: October 24, 2022

14 JOINT PRETRIAL ORDER DEADLINE: November 23, 2022.

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1 3. OTHER PROVISIONS. All other provisions of the Stipulated Discovery Plan and
2 Stipulated Modified Discovery Plan, that are not in conflict herewith, shall remain in full force and
3 effect, pending further order of the court.

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5 DATED this 23rd day of June, 2022.

6 Goicoechea, Di Grazia,
7 Coyle & Stanton, Ltd.
8 530 Idaho Street
9 Elko, Nevada 89801
10 (775) 738-8091

11 /s/ Nancy Porter
12 NANCY PORTER, Esq.
13 Plaintiff's/Counterdefendants' Attorneys

DATED this 23rd day of June, 2022.

Robertson, Johnson,
Miller & Williamson
50 West Liberty Street, Suite 600 Reno,
Nevada 89501
(775) 329-5600

14 /s/ Samantha J. Reviglio
15 RICHARD D. WILLIAMSON, Esq.
16 SAMANTHA J. REVIGLIO, Esq.
17 Defendants'/Counterclaimants' Attorneys

18 IT IS SO ORDERED.

19 DATED: June 24, 2022

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21 HONORABLE CRAIG S. DENNEY
22 UNITED STATES MAGISTRATE JUDGE
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